

# **EXHIBIT I**

## LEWIS BRISBOIS BISGAARD & SMITH LLP



### David N. Makous

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## PRACTICE AREAS

Intellectual Property  
Entertainment  
Hospitality

## AREAS OF PRACTICE

Dave Makous has practiced intellectual property law since 1978 and now chairs the firm-wide intellectual property department. During his career he has managed IP cases before federal and state courts in many jurisdictions such as California, Virginia, New York, Pennsylvania, Minnesota, Washington, Illinois, Arkansas, Texas, and Arizona, through preliminary injunction hearings, summary judgment motions, bench and jury trials, mediation, arbitration and other ultimate dispositions. Mr. Makous has also argued appeals before the U. S. Courts of Appeal for the Ninth, Eighth, Fifth, and Federal Circuits, and the California Court of Appeals. Mr. Makous counsels clients on registration and licensing activity as well and has completed registrations of IP in many jurisdictions, domestic and foreign, and intellectual property licenses, technology transfers, and related agreements.

## ASSOCIATIONS

- Chair, California State Bar, Board of Legal Specialization, Trademark Consulting Group, 2010
- International Trademark Association (since 1986): Madrid Protocol Committee Member (2003 – 2004); International Trademark Subcommittee (1989 - 1991); US Legislation Subcommittee (1994 - 1996).
- Los Angeles Intellectual Property Law Association (various since 1980); Local Rules Committee for Patent Cases (1997 - 1999)
- Arbitrator, National Arbitrator Forum (since 2003)
- Member, Los Angeles Tennis Club (since 2004)
- Asthma & Allergy Foundation of America, Board of Directors (2000 - 2001)
- Century City Bar Association, Tort Litigation (1985 -1987), Chairman (1986);
- Anti-Counterfeiting Coalition (1983 - 1985)
- Congressional Lobbying on Lanham Act (1984)
- Community Development Advisory Board, City of El Monte, CA, Chairman (1979 - 1981)
- American Intellectual Property Law Association (various since 1980)

## AWARDS

- Professional of the Year- Law/Intellectual Property, Strathmore's Who's Who Worldwide (2009)
- American Asthma and Allergy Foundation, Public Citizenship Award (2008)
- Super Lawyer of Southern California (2011), Intellectual Property Litigation, Intellectual Property;
- Super Lawyer of Southern California (2010), Intellectual Property Litigation;
- Super Lawyer of Southern California (2007), Intellectual Property Litigation;
- Super Lawyer of Southern California (2006), Intellectual Property Litigation

## PUBLISHED OPINIONS

- *Kia Motors America, Inc. v Auto Distributing*, 90 USPQ 2d 1598 (D. Minn. 2009)
- *Trafficschool.com, Inc. v. Edriver, Inc.*, 633 F. Supp. 2d 1063 (C.D. Cal. 2008)
- *Jay Bharat Developers, Inc. v. Jim Minidis*, 167 Cal.App.4th 437 (2008)
- *Arminak & Associates, Inc. v. St. Gobain Calmar, Inc.* 2006 501 F.3d 1314 (Fed. Cir. 2007)
- *Intex Rec. Corp. v. Team Worldwide Corp.*, 439 F. Supp. 2d 46; 2006 U.S. Dist. LEXIS 51424 (D.D.C. 2006)
- *Contessa Food Prods. v. Lockpur Fish Processing Co.*, 123 Fed. Appx. 747; 2005 U.S. App. LEXIS 28; Copy. L. Rep. (CCH) (9th Cir. 2005)
- *Intex Rec. Corp. v. Metalast, S.A.*, 400 F. Supp. 2d 123; 2005 U.S. Dist. LEXIS 34945 (D.D.C 2005)
- *In re Intex Recreation Corp.*, 2004 TTAB LEXIS 656 (T.T.A.B. 2004)
- *Intex Recreation Corp. v. Metalast, S.A. Sociedad Unipersonal*, 245 F.Supp.2d 65, (D.D.C., Feb. 12, 2003)
- *Okor v. Atari Games Corp.*, 2002 U.S. Dist. LEXIS 7809 (D.Mass 2002), appeal dismissed, 41 Fed. Appx. 460, 2002 U.S. App. LEXIS 15585 (2002)
- *AL-OR Int'l, Ltd. v. Grandeur Creations, Inc.*, 24 Fed. Appx. 798; 2001 U.S. App. LEXIS 27104 (9th Cir. 2001)
- *BIC Corporation v. Sara Export Import, Inc., et al.*, 2000 US Dist. LEXIS 8974 (S.D. Cal. 2000)
- *Welcome Co. v. Harriet Carter Gifts, Inc.*, 1998 U.S. Dist. LEXIS 21884; 50 U.S.P.Q.2D (BNA) 1132 C.D. Ca (1998)
- *Intex Recreation Corp. v. Hasbro, Inc.*, 3 F.Supp. 2d 1102 (C.D. Cal. 1998);
- *Intex Rec. Corp. v. Hasbro, Inc.*, 1998 U.S. Dist. LEXIS 17262 (C.D.Ca 1998)
- *Intex Rec. Corp. v. Hasbro, Inc.*, 1998 U.S. Dist. LEXIS 17261 (C.D.Ca.1998)
- *Honda Giken Kogyo Kabushiki Kaisha v. H-D Michigan, Inc.*, 43 U.S.P.Q. 2d 1526 (T.T.A.B. 1997), case of first impression regarding registration of a sound mark for an exhaust sound of a motorcycle
- *Magnacoustics, Inc. v. Resonance Technology Co.* 44 U.S.P.Q.2d, 1957 (Fed. Cir. 1997)
- *Hemopet v. Homeopet LLC, et al.*, 1996 U.S. App. LEXIS 25426 (9th Cir.1996)
- *Irwin v. Philips Interactive Media Corp.*, 31 U.S.P.Q. 2d 1336 (C.D. Cal. 1994)
- *Printers Services Co. v. Bondurant*, 20 U.S.D.C. 2d 1626 (C.D. Cal. 1991)

## LEWIS BRISBOIS BISGAARD & SMITH LLP



### Daniel C. DeCarlo

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## PRACTICE AREAS

Intellectual Property

## AREAS OF PRACTICE

Dan DeCarlo serves as Vice-Chair of the firm-wide Intellectual Property Practice Group, where his practice focuses on intellectual property litigation.

Since 1992, Mr. DeCarlo has focused on complex business litigation concentrating on trademark and Lanham Act claims, copyright litigation, unfair competition litigation, false advertising, trade secret litigation, patent litigation, right of publicity and related business torts. He has served as lead counsel in numerous jury and bench trials and has extensive experience in all aspects of Federal Court litigation including preliminary injunctions, summary judgments and appeals to the Ninth Circuit and Federal Circuit Courts of Appeal.

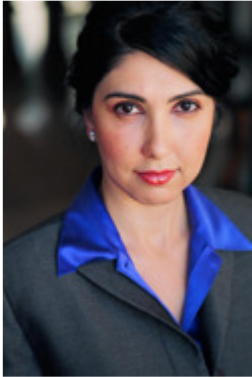
In addition to litigation, Mr. DeCarlo's practice focuses on intellectual property enforcement and counseling, including trademark prosecution, licensing and creating strategies to enhance his client's intellectual property portfolio. He frequently lectures to business groups on intellectual property issues.

## LEGAL EXPERIENCE

As does each lawyer in the intellectual property group, Mr. DeCarlo ascribes to a litigation philosophy which stresses comprehensive early analysis and evaluation so as to plan an aggressive and result oriented approach. The ultimate goals of the client must be thoroughly reviewed and measured against the complexity and expense of each matter. Some recent examples of this approach include:

- In 2011, we obtained for our client Trafficschool.com a significant ruling in the 9th Circuit Court of Appeals against the owners of the website DMV.ORG. At a trial in 2008, our client was awarded what is believed to be an unprecedented injunction which required the owners of DMV.ORG to display a "splash screen" warning every visitor to its site that the site is not affiliated with a governmental agency. In the opinion, the 9th Circuit Court of Appeals reversed the Trial Court's decision to not award our client its attorneys' fees. The opinion may be accessed by clicking [here](#).
- In 2011, we obtained a dismissal for our client on an issue of first impression concerning application of the Copyright Act's DMCA. Plaintiff had sued our client in California state court alleging that our client's representation in an EBAY VERO take down notice which alleged trademark infringement subjected our client to liability for various California based tort claims. We established that the DMCA was the sole statutory framework which could be applied to adjudicate alleged wrongful conduct in a take down notice, such as a VERO complaint, even if the alleged wrongful conduct was false claims of trademark infringement. The State Court dismissed the case holding that wrongful actions taken via DMCA take down notices, regardless of their content, must be brought in Federal Court under the Copyright Act.
- In 2009, Mr. DeCarlo represented EWI Worldwide, a leader in the exhibit design and construction industry in a trade secret misappropriation case brought by a competitor. Early in the case, Mr. DeCarlo identified flaws in the plaintiff's position and through a cost effective approach was able to dispose of the case on summary judgment after taking only a single deposition of the plaintiff. The case is *Premier Displays v. EWI Worldwide*, 2009 U.S. Dist. LEXIS 11946 (C.D. Cal 2009).
- In 2009, Mr. DeCarlo served as lead trial counsel for Flynt Media Corporation and its principals Jimmy Flynt II and Dustin Flynt in a jury trial brought by Larry Flynt and the publisher of Hustler. The case dealt with complex issues of trademark law and rights of publicity in the context of members of the same family utilizing a common surname in competing ventures.
- In 2008, Mr. DeCarlo served as trial counsel for the Firm's client Trafficschool.com and obtained a verdict in favor of our clients for false advertising against a competitor, DMV.ORG- one of the top 300 websites in the world. The case generated a landmark injunction which forced DMV.ORG to employ a splash page warning all visitors to the site about the site's non-governmental affiliation. To read more details about the case, an article Mr. DeCarlo wrote about the case is listed below under "Awards/Publications" and a PDF link is provided.
- In 2007, Mr. DeCarlo represented Evergreen Data Systems in defense of claims of breach of contract, RICO and related business torts. Our adversary demanded millions of dollars in settlement and after a multi-staged attack on the claims, including narrowing the claims through motions to dismiss, limiting the exposure through a summary adjudication motion, and then finally disposing of all potential liability through aggressive depositions of our adversary's expert witnesses and after successful motions in limine, our client was awarded over \$600,000 in attorneys' fees and costs for the expense of defending itself.
- In 2007, in defense of our client in a trade secret misappropriation lawsuit involving the flooring industry, Mr. DeCarlo was successful in obtaining a settlement with our client being reimbursed for its attorneys' fees. The Trade Secret Act provides for attorneys' fees to prevailing defendants accused in bad faith. By aggressively defending our client, the Firm was able to illustrate the case had no merit and forced our client's adversary to compensate it for the fees incurred in defending itself.
- In 2007, Mr. DeCarlo was successful in obtaining an affirmance on appeal before the Federal Circuit Court of Appeals of a summary judgment ruling of patent non-infringement for the Firm's client, Arminak & Associates, Inc. (*Arminak & Associates, Inc. v. St. Gobain Calmar, Inc.* 501 F.3d 1314 (Fed. Cir. 2007)). We established for our

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#### PRACTICE AREAS

Intellectual Property  
Entertainment

#### AREAS OF PRACTICE

Mina Hamilton advises clients in a wide variety of intellectual property matters, including copyright, trademark, patent, domain names, rights of publicity, trade secret, and the First Amendment. Ms. Hamilton provides transactional services (including registration and prosecution of trademarks with the U.S. Patent and Trademark Office and U.S. Customs, and registration of copyrights with the U.S. Copyright Office) and specializes in intellectual property litigation services for both plaintiffs and defendants.

#### ASSOCIATIONS/ADMISSIONS

- International Trademark Association, (1999-Present)
- Los Angeles Intellectual Property Association

#### PUBLICATIONS

- Author: Inside the Minds: Understanding Patent Reform Implications series, 2009, Aspatore Books.

#### DOMAIN NAME DISPUTES-PUBLISHED DECISIONS

- *Trafficschool.com, Inc. v. Edriver, Inc.*, 633 F. Supp. 2d 1063 (C.D. Cal. 2008)
- *Doug Mockett & Company, Inc. v. Miguel Gila*, FA0808001219431 (Nat. Arb. Forum Oct. 3, 2008)
- *Sun Works Tanning, Inc. v. Paradise Tan*, D2006-0427 (WIPO June 19, 2006)
- *The Exit Light Co., Inc. v. N/A c/o Gary Glass*, FA0611000849010 (Nat. Arb. Forum Jan. 8, 2007)

#### EDUCATION

- University of California at Los Angeles, Juris Doctor, 2000
- Pepperdine University, Bachelor of Arts in International Studies, 1995

## LEWIS BRISBOIS BISGAARD & SMITH LLP



### Josephine A. Brosas

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#### PRACTICE AREAS

Intellectual Property  
Korean Business and Litigation Group (■■■■ ■■■■)

#### AREAS OF PRACTICE

Josephine Brosas focuses her practice in the areas of Intellectual Property and Technology.

#### AWARDS/PUBLICATIONS

- Recipient, CALI Excellence for the Future Awards: Copyright Law, Advanced Copyright Law, Patent Law, Immigration Law, Community Property
- Recipient, Exceptional Achievement Award, Patent Application Drafting
- Named, Dean's List, 2003-2005
- Recipient, Dean's Merit Award, 2003-2005
- Top 10% of graduating class

#### ADMISSIONS

Ms. Brosas is a registered patent attorney and is admitted to practice before all California courts and the Federal Circuit.

#### ASSOCIATIONS

Los Angeles Intellectual Property Association (LAIPLA)

#### EDUCATION

- Southwestern University School of Law, Juris Doctor, *magna cum laude*, 2005
- University of California, Los Angeles, Bachelor of Science in Biochemistry, *magna cum laude*, 1999

## LEWIS BRISBOIS BISGAARD & SMITH LLP



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## **PRACTICE AREAS**

Intellectual Property

## **AREAS OF PRACTICE**

Robert Collins focuses his practice in the areas of intellectual property and technology.

## **ASSOCIATIONS**

- American Intellectual Property Law Association (AIPLA)
- Los Angeles Intellectual Property Law Association (LAIPLA)
- International Trademark Association (INTA)
- National Peace Corps Association
- Los Angeles World Affairs Council

## **LEGAL EXPERIENCE**

- Intern, World Intellectual Property Organization (WIPO), United Nations Headquarters, New York City
- Staff Mediator, Loyola Law School Center for Conflict Resolution
- Certified Law Clerk, Los Angeles County District Attorney's Office - Preliminary Hearings Division
- Extern, The Honorable Dickran Tevrizian, Jr., United States District Court, Central District of California

## **PUBLISHED OPINIONS**

- *Premier Displays & Exhibits, Inc. v. David Cogswell, et al.*, 2009 U.S. Dist. LEXIS 119462 (C.D. Cal. Dec. 23, 2009).
- *L.A. Printex Industries, Inc. v. Aeropostale, Inc., et al.*, 2010 U.S. Dist. LEXIS 46951; 94 U.S.P.Q.2D (BNA) 1754 (C.D. Cal. May 5, 2010).
- *L.A. Printex Industries, Inc. v. William Carter Co., et al.*, 2010 U.S. Dist. LEXIS 73235; 95 U.S.P.Q.2D (BNA) 1550 (C.D. Cal. July 2, 2010).

## **PUBLICATIONS**

- Co-Author, *Enforcing Online Intellectual Property Rights*, For The Defense, Defense Research Institute, February 2011.

## **LANGUAGES**

- Spanish

## **EDUCATION**

- Loyola Law School, Juris Doctor  
- Managing Editor, *Loyola of Los Angeles Entertainment Law Review*
- University of California Santa Barbara, Bachelor of Arts

## LEWIS BRISBOIS BISGAARD & SMITH LLP



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#### PRACTICE AREAS

Entertainment  
Intellectual Property

#### AREAS OF PRACTICE

Daniel Lewis advises clients in a wide variety of intellectual property matters, including copyright, trademark, patent, domain names, rights of publicity, trade secrets, defamation and the First Amendment. Prior to becoming an attorney with this firm, he worked as an extern with the Honorable Dickran Tevrizian, Jr. in the United States District Court, Central District of California.

#### PUBLICATIONS

"Acronyms and Trademark Selection", Lewis Brisbois Bisgaard & Smith IP Newsletter, Winter 2009

#### EDUCATION

- Loyola Law School, Juris Doctor, 2008
- University of California at Los Angeles, Bachelor of Arts, 2005